

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 3, 2003. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Section 102 Rejections

The Examiner rejects Claims 1-5, 8-14, and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,321,205 issued to Eder ("*Eder*"). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claim 1 recites "associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments ..." (Emphasis added.) *Eder* does not teach or suggest this limitation because *Eder* is directed towards valuation of a single company (enterprise) based on a plurality of value drivers. The value stream of a particular company or industry segment is much different than the valuation of a company based on value drivers. As indicated in the publication by James Martin, "The Great Transition," the value stream of a company or industry segment is an end-to-end collection of activities that create or achieve a result for a customer of the enterprise. Furthermore, particular components of a value stream indicate what a customer of the enterprise is willing to pay for. Thus, the value stream of an enterprise is not used to define the value of a company. The value stream concept is neither disclosed nor referred to in *Eder*. Some of the same data may be utilized for both value stream components and the value drivers used in *Eder*; however, the value stream components in the instant application are much different than the value drivers utilized in *Eder*.

For example, as indicated in Figures 3B through 3E of Applicants' disclosure, the generic value stream components are indicated by reference numeral 302 and include such things as "market identified", "product designed/engineered", "product manufactured", and "product stored, distributed". Most of these generic value stream components have nothing to do with the valuation of a particular enterprise. Conversely, the value drivers utilized in *Eder* may be seen in Table 1 in columns 5 and 6. More specifically, the value drivers are such things as cash and marketable securities, accounts receivable, inventory, prepaid expenses, and intangible assets such as customers, employees, and brand names. See also

Figure 2 of *Eder* that illustrates "extracted information concerning revenue, expenses, capital and elements of value" that are utilized to obtain the valuation of an enterprise. Therefore, *Eder* does not disclose or suggest a generic value stream having a plurality of generic value stream components, but merely a valuation of a company using value drivers. For at least this reason, *Eder* does not anticipate Claim 1.

In addition, *Eder* is directed towards the valuation of a single enterprise by associating a plurality of value drivers with the enterprise, while independent Claim 1 associates a plurality of generic value stream components with a plurality of industry segments. For this additional reason, *Eder* does not anticipate Claim 1.

For reasons analogous to those above, the rest of the limitations of Claim 1 are also not anticipated by *Eder*. In addition, independent Claim 9 recites "a database storing expenditures for a time period for a plurality of industry segments, expenditures associated with at least one of a plurality of generic value stream components . . ." *Eder* also does not anticipate Claim 9 for reasons analogous to those above in conjunction with Claim 1. Therefore, Applicants respectfully request that the rejection of independent Claims 1 and 9 be withdrawn.

Dependent Claims 2-8 and 10-17 depend from independent Claims 1 and 9, respectively, and are also not anticipated by *Eder* because they include the limitations of their respective base claim (which are shown above to be allowable) as well as further limitation(s) that further distinguish *Eder*. Therefore, Applicants respectfully request that the rejection of Claims 2-8 and 10-17 be withdrawn.

Section 103 Rejections

The Examiner rejects Claims 6-7 and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over *Eder*. The Examiner also rejects Claims 18-43 under 35 U.S.C. § 103(a) as being unpatentable over *Eder* in view of NAICS Association (www.naics.com). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claims 18, 24, 31 and 37 are not rendered obvious by *Eder* and NAICS Association, either alone or in combination, because of reasons analogous to those above in conjunction with Claims 1 and 9 with respect to *Eder* and because NAICS Association also does not disclose or suggest the use of the generic value stream having a plurality of generic

value stream components. Therefore, neither *Eder* or NAICs Association teach or suggest all the claim limitations of independent Claims 18, 24, 31 and 37. Thus, a prima facie case of obviousness has not been established. In addition, because *Eder* is directed towards the valuation of a single company or enterprise and NAICs Association is directed towards industry segments, then there is no motivation to combine *Eder* and NAICs Association.

Therefore, neither *Eder* nor NAICs Association, alone or in combination, renders obvious independent Claims 18, 24, 31 and 37. Applicants respectfully request the rejection of these independent claims be withdrawn.

In addition to the reasons discussed above, independent Claims 18 and 24 are also allowable for the following reasons. Independent Claim 18 recites "allocating input North American Industry Classification System codes to a second industry segment, wherein at least one of the input North American Industry Classification System codes is associated with the first industry segment . . . ," and Claim 24 recites "storing at least one input North American Industry Classification System code for a second industry segment, the input North American Industry Classification System code associated with the first industry segment" Neither *Eder* nor NAICs Association teach or suggest these limitations. Applicants believe that the Examiner, as indicated by his Office Action, is confused as to the above limitations of Claims 18 and 24 because the Examiner seems to indicate that a North American Industry Classification System code is being allocated or stored. However, this is not the case. As indicated by FIGURE 3A of Applicants' disclosure, "input NAICs Association codes" are indicated by reference numeral 314. These input NAICs Association codes indicate which industry segments may be inputs to other industry segments. Therefore, there is no allocating or storing of input North American Industry Classification System codes disclosed or suggested in either *Eder* or NAICs Association. For this additional reason, independent Claims 18 and 24 are not rendered obvious by *Eder* or NAICs Association, alone or in combination.

Dependent Claims 19-23, 25-30, 32-36 and 38-43 depend from independent Claims 18, 24, 31 and 37, respectively, and are also not rendered obvious by *Eder* or *Eder* and NAICs Association alone or in combination because each dependent claim includes the limitations of its respective base claim (which are shown above to be allowable) as well as further limitation(s) that further distinguish *Eder* and NAICS Association. Therefore,

Applicants respectfully request that the rejection of Claims 19-23, 25-30, 32-36 and 38-43 be withdrawn.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, if a fee is due, the Commissioner is hereby authorized to charge any fees to deposit account number **05-0765 of Electronic Data Systems Corporation.**

Respectfully submitted,

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